

FAX COVER SHEET

Date: 4-1-06 Log No. _____Time: _____ Number of Pages: 4
(Including cover sheet)TO: Nick Miller
Water Distribution
IOWRFAX#: (208) 287-6700FROM: Nancy McDonaldFAX #: (208) 527-3414SPECIAL
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527-3413

Darrell E. or Nancy McDonald
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April 1, 2006

Mr. Nick Miller, Water Distribution
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, Id 83720-0098

Re: Concerns on District 34 Water Accounting

Dear Mr. Miller:

CONCERN :

The IDWR Water Master Handbook, page 2 of definitions, states:

“Exchange is a broad term used to describe several different water diversions and distribution scenarios. It is often used to describe situations where water is diverted under one source with a valid water right and injected and commingled with water in another source, ditch or natural channel in exchange for diverting an equal amount of water at a different location from the same ditch or channel containing the commingled water. Example, a user diverts water from a river to a canal at point A and then by means of a well, injects ground water into the river at point B which is 5 miles downstream from Point A. Where water is injected at the upstream point and diverted downstream, stream flow losses, if any, should be evaluated. Exchange is also used to describe situations where two or more valid water rights are swapped. For example, user A with well A and ground water right #1 irrigates land one-half mile above where user B diverts right #2. The stream channel between A and B's land experience losses and A's well is situated close enough to B's land that it can be used to irrigate B's land. Under exchange user A agrees to divert B's surface water right to A's land in exchange for allowing user B to irrigate his land with A's ground water well and right.”

According to IDWR's District Accounting for District 34, there are 13 Exchange Pumps listed below the Mackay Reservoir: OSmith, LSmith, Manderson, Folkman, Jacobsen, Jensen, Isom 1, Isom 2, Parkinson, Toone, Quist, Schureman, and Rasmussen. In 2004, reports were made for all except for OSmith pumps, LSmith pumps, the Manderson pump, and the Jacobsen pump. There were no reports on any exchange pumps on this Accounting for 2005, nor on the Water Master report on the internet site.

Just in the records that I found to date, there are seven (7) ground water rights that are diverted into the River and re-diverted into the Darlington Canal which were not reported in 2004 or 2005. The significance is that over 15.3 CFS of water could be diverted from the river into the Darlington canal. These seven ground water rights are in S2, T6N, R24 EBM. These rights are: 34-2477A, 34-2477G, 34-7182, 34-12363A, 34-12363B, 34-13653, and 34-13654.

There are two (2) other ground water rights in S31, T7N, R25 that divert water into the Darlington Canal for another 2.95cfs. These two rights, pump into the Burnett rather than the River, but water is diverted from the river into the Darlington canal. These rights are: 34-7090A and 34-7090B. Condition 2, on both rights, states: "Water diverted under this right is exchanged by injecting water diverted under this right into the Burnett Ditch and diverting an equal amount from the Big Lost River at the point of redirection described above. Water may be rediverted from the Big Lost River only when there is current demand for the water injected into the Burnett Ditch by users of water from the Burnett ditch with currently deliverable priorities below the point of injection."

Water right 34-333 is decreed out of Alder Creek, but this right is diverted out of the Big Lost River into the Darlington Canal. Condition 2 states: "Water diverted under this right is exchanged by injecting water diverted under this right into the Darlington Ditch, and diverting an equal amount from the Big Lost River at the point of redirection described above. Water may be rediverted from the Big Lost River only when there is current demand for the water injected into the Darlington Ditch by users of water from the Darlington Ditch with currently deliverable priorities below the point of diversion."

These ten (10) diversions into the Darlington Canal equal 19.55 CFS (977.5 inches) with no record of equal amounts injected into Big Lost River.

With the Alder Creek right, was a like amount deducted from the water diverted into the Darlington Ditch for the down stream water user?

There are probably many more exchanges taking place in the River and in the canals. I think the ones in the River especially need to be identified and accurate records kept. If these types of exchanges are not the responsibility of IDWR, please let me know and I will relay my concerns to BLRID.

QUESTIONS concerning "Exchanges": Why aren't all the exchanges, especially those diverted from or injected into the River or the section of the East Side when used as the River, listed and an accounting made? How can IDWR or the Water master set decrees, if the exchanges, the storage releases and the storage diversions into the canals are not recorded and passed on to the Water Master or visa versa? Without all these records, everything about the entire system is suspect and ripe for abuse.

QUESTION: Since Antelope Creek is a tributary of the Big Lost River, shouldn't it be included in the Water Master's report?

On February 21, 2006, IDWR sent a letter to Bob Duke. In the second to the last paragraph on page 5, IDWR states: " Given the appearance of excess diversions above the reservoir, water users in the district may feel that excess diversions may occur below the reservoir as well. As mentioned earlier, over diversions that occur below the reservoir will be allocated by the accounting program as storage delivery. Because of this, we cannot assess, using the accounting program, if excess diversion below the reservoir occurred. The Department feels that the best way to build confidence in the community that mistakes or deliberate excess diversion are not occurring, is through independently conducted random checks of deliveries."

QUESTION: Who would have the authority to make "random checks of deliveries" through out the District?

Thank you.

Sincerely,

Nancy McDonald

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FDWRFAX#: 208-287-6700FROM: Nancy McDonaldFAX #: 208-527-3414**SPECIAL****INSTRUCTIONS: COPY TO:**

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Addendum to April 1,
2006 letter

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April 2, 2006

Nick Miller
Water Distribution
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Letter dated 04/01/2006 on Concerns on District 34 Water Accounting

Dear Mr. Miller:

On my letter dated 04/01/2006, which was faxed on the same date, I would like to amend the Question concerning the reporting of Antelope Creek to include Alder Creek and Pass Creek.

Is it possible to sort a list of all rights that include "exchanges" for District 34? If so, would you please send me one. Thank you.

Sincerely,



Nancy McDonald